REMARKS

Favorable reconsideration of this application is respectfully requested in view of the following remarks.

Claim 2 is amended to replace the acronym APLH with the phrase "area for pre-laminated hole". Accordingly, withdrawal of the Claim 2 objection is respectfully requested.

Claim 2 (and a few of the dependent claims) is also amended in other respects to improve the from and readability of the claims. These claim amendments are not intended to narrow the claim scope; they merely define the original subject matter in a manner more clearly defining the features recited in the original claims.

The subject matter of this application involves a pouring plug fitted to a packaging container that possesses a top part having a tilted surface. Before considering the claims, reference is made to the pouring plug illustrated in, for example, Fig. 3. The pouring plug 30 includes a frame body 31, a cap 32 and a movable ring 33 fitted to the packaging container. The frame body is outfitted with a flange 34 connected to the tilted surface of the container. A pouring spout portion 35 is integral with the flange 34 and cut at an angle so as to be substantially upright. The cap 32 is removably fitted to the pouring spout portion 35 to close the pouring spout, and a movable ring 33 is disposed at the inner circumferential portion of the pouring spout 35. The movable ring 33 engages the cap 32 to rotate together with the cap 32. The movable ring 33 also includes a cutting part 36 which is adapted to cut the film sealing the APLH when the cap and the movable ring are rotated. This provides access to the interior of the packaging container.

Turning now to the claims, Claim 2 defines the pouring plug fitted to a packaging container which possesses a top part having a tilted surface that is tilted at least forward on the front side of the top part of the packaging container, and the tilted surface being provided with an area for pre-laminated hole sealed by film. The pouring plug includes a frame body, a cap and a cylindrically-shaped movable ring. The frame body forms a pouring spout and comprises a flange connected to the tilted surface at a circumference of the area for pre-laminated hole, and a cylindrically-shaped spout portion integrally moulded with the flange and extending from the flange approximately at an angle so as to be upright substantially. The cap is fitted removably to the pouring spout portion to plug the pouring spout, and the movable ring is disposed at the inner circumference of the pouring spout. The cylindrically-shaped movable ring engages the cap so the movable ring and the cap rotate together as a unit. The movable ring possesses a lower end portion cut at an angle to form a cutting part which cuts the film when the cap and the movable ring are rotated to provide access to the interior of the packaging container.

The Official Action sets forth an anticipatory rejection of Claims 2-6 based on the disclosure in U.S. Patent No. 6,131,806 to Hess. That rejection is respectfully traversed.

Hess discloses a dispensing structure mounted to a container. The Official Action appears to rely on the embodiment of the dispensing structure shown in Figs. 20-22. The dispensing structure here includes a base 430 mounted in the opening 340 of a container 322, and a valve carrier 440. After the base 430 is mounted on the container, the valve carrier 440 is mounted on the base 430. The base 430 includes an externally threaded upstanding projection 450 providing a dispensing

passage for the contents in the container. A membrane, release paper or foil 464 is releasably secured to the top of the upstanding projection 450. The valve carrier 440 carries a skirt 470 that is internally threaded to threadedly engage the external threads 460 on the upstanding projection 450. The valve carrier 440 also includes a spout 478 provided with an annular valve seat similar to the valve seat 90 illustrated in Fig. 15.

During use, the valve carrier 340 is unscrewed from the upstanding projection 450, and the user removes the membrane 464 extending across the top of the upstanding projection 450. The valve carrier 440 is then reinstalled on the upstanding projection 450 and the contents can be dispensed from the container.

The Official Action takes the position that the skirt 470 of the valve carrier 440 in Hess corresponds to the claimed movable ring. However, Claim 2 recites that the pouring plug comprises a cylindrically shaped movable ring that is disposed at the inner circumference of the pouring spout and engages the cap so that the movable ring and the cap rotate together as a unit, wherein the movable ring possesses a lower end portion cut at an angle to form a cutting part which cuts the film (i.e., the film sealing the area for pre-laminated hole) when the cap and the movable ring are rotated to provide access to the interior of the packaging container. The skirt 470 in Hess does not include a lower end portion cut at an angle to form a cutting part. Indeed, the skirt 470 is not intended to cut a film which seals an area for pre-laminated hole of the container as claimed. There would thus be no reason to outfit the skirt 470 with the structure and features recited in Claim 2. For at least this reason, the anticipatory rejection based on the disclosure in Hess is improper.

Dependent Claims 3-6 are allowable at least by virtue of their dependence from allowable independent Claim 2.

New independent Claim 7 defines a pouring plug fitted to a packaging container, wherein the packaging container possesses a top surface comprised of a tilted surface portion that is tilted at least forward on a front side of the top surface of the packaging container and a flat surface portion adjacent the tilted surface portion toward a rear side of the top surface, with the tilted surface being provided with a through hole sealed by film. The pouring plug comprises a cylindrically-shaped frame body having open upper and lower ends, a rotatable cap removably engaging the frame body and closing the open upper end, and a cylindrically-shaped movable ring. The frame body includes a flange portion connected to the tilted surface portion around a circumference of the through hole and a cylindrically-shaped pour spout portion integrally molded with the flange and extending upwardly from the flange approximately at an angle so that the pour spout portion is upright substantially. The pour spout portion surrounds an interior through which contents in the packaging container are dispensed when the film is cut. The movable ring is positioned in the frame body and possesses a lower end portion cut at an angle to form an angled cutting part. The movable ring is connected to the rotatable cap to rotate together with the cap so that rotation of the cap causes the movable ring to rotate and cause the cutting part to cut the film and communicate the interior of the pour spout portion and an interior of the packaging container.

This new independent claim is allowable over the disclosure in Hess at least by virtue of the pouring plug comprising the movable ring possessing a lower end portion cut at an angle to form an angled cutting part and rotatably together with the

cap so that rotation of the cap causes the movable ring to rotate and cause the cutting part to cut the film. Claim 7 is allowable in view of at least this distinction.

Early and favorable action concerning this application is respectfully requested.

Should any questions arise in connection with this application or should the Examiner believe that a telephone conference with the undersigned would be helpful in resolving any remaining issues pertaining to this application the undersigned respectfully requests that he be contacted at the number indicated below.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

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